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December 11, 2007

Thomasena P. Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Via Overnight Courier and Facsimile (202-219-3923)

Re MUR 5943

Dear Ms. Duncan:

The Rudy Giuliani Presidential Committee, Inc. (the "Campaign") and John Gross, as Treasurer, hereby respond to the complaint filed by James C. Harrison on behalf of Ursula Angell dated October 1, 2007, as well as the supplement to complaint filed by James C. Harrison on behalf of Ursula Angell dated October 29, 2007 (together, the "Complaint")

Contrary to the Complaint's baseless and politically motivated allegations, the Campaign did not engage in any effort to establish, finance, maintain, or control Take Initiative America LLC or California Counts for the purpose of soliciting and receiving contributions of impermissible amounts and from impermissible sources ("soft money") in order to support the Presidential Election Reform Act ("Reform Act") in California. The Complaint's unfounded allegations that the Campaign may have coordinated with Californians for Equal Representation, resulting in excessive in-kind contributions to the Campaign, are not only entirely false, but are irresponsibly based on nothing more than conjecture and unsupported double hearsay.

First, none of the individuals named in the Complaint acted in the capacity of an agent of the Campaign while offering support for the Reform Act. In fact, most of these individuals have never acted as an agent of the Campaign in any respect whatsoever – while others had nothing whatsoever to do with the Reform Act – and the inclusion of their names in the Complaint was both reckless and irresponsible. For example, Bill Simon was only named in the Complaint because he lives and is politically active in California, and is a supporter of Rudy Giuliani's presidential campaign. Second, the Complaint's single piece of purported evidence of coordination between the Campaign and Californians for Equal Representation is contradicted by the very article from which it came, yet the Complaint conveniently ignores this fact. This is one of many stark examples of how the Complaint is nothing more than a political attack on the Campaign and the named individuals.

Paid for by the Rudy Giuliani Presidential Committee, Inc.
www.JoinRudy2008.com

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In essence, the Complaint does no more than indicate that some individuals who support the Campaign or may have made contributions to the Campaign also support the Reform Act or once knew someone who supports the Reform Act. However, the Complaint ignores the activities of those individuals and organizations that support the Reform Act but support presidential candidates other than Rudy Giuliani – or no presidential candidate at all – in a blatant attempt to use the Federal Election Commission to further a political agenda. Accordingly, the Complaint should be dismissed without further action.

I. The Campaign did not establish, finance, maintain, or control Take Initiative America LLC or California Counts

A. Take Initiative America LLC

The Complaint lists five individuals who are alleged to have established, financed, maintained, or controlled Take Initiative America on behalf of the Campaign in violation of 2 U.S.C. section 4411(e)(1).¹ Charles A. Hurth III, Steve Wark, Bill Simon, Jonathan Wilcox, and Paul Singer. Contrary to the Complaint's spurious and unsupported claims, the Campaign has never been involved in any way with Take Initiative America, either directly or through its agents. Any involvement that any of the named individuals may have had with Take Initiative America was undertaken on their own behalf and in no way implicated their respective roles, if any, within the Campaign.

1. *Charles A. Hurth III & Steve Wark*

The Campaign did not establish, finance, maintain, or control Take Initiative America through Charles A. Hurth III, an individual who has never been an agent of the Campaign. The Federal Election Campaign Act of 1971, as amended, prohibits a candidate for federal office or his or her agents from soliciting, receiving, directing, transferring, or spending soft money in connection with any election. See 2 U.S.C. § 4411(e)(1) (2007). However, "a principal cannot be held liable for the actions of an agent unless (1) the agent has actual authority, (2) the agent is acting on behalf of his or her principal, and (3) the agent is engaged in one of the specific activities described," which are soliciting, receiving, directing, transferring, or spending soft money. Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, 67 Fed. Reg. 49064, 49083 (July 29, 2002). An agent of a candidate for federal office "means any person who has actual authority, either express or implied, to solicit, receive, direct, transfer, or spend funds in connection with any election" on behalf of that candidate for federal office. 11 C.F.R. § 300.2(b) (2007). "An agent's actual authority is created by manifestations of consent (express or implied) by the principal to the agent about the agent's authority to act on the principal's behalf." Advisory Op. 2007-05 (May 4, 2007). Mr. Hurth's only connection to the Campaign was a one-time contribution of \$2,000 made to the Campaign in late March 2007. Merely contributing to a campaign does not endow the contributor with any authority to act on behalf of that campaign, as "it is not enough that there is some relationship or contact between

¹ It is unlawful for "[a] candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office [to] solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office or any election other than an election for Federal office if the funds do not comply with the source and amount limitations of the Act." 2 U.S.C. § 4411(e)(1) (2007).

the principal and agent, rather, that agent must be acting on behalf of the principal to create potential liability for the principal. Prohibited and Excessive Contributions Non-Federal Funds or Soft Money, 67 Fed Reg at 49,083

In an attempt to manufacture a link between the Campaign and Charles A. Hurth III, the Complaint points to Steve Wark, the former State Chairman of the Nevada Republican Party and a one-time contributor and fundraiser for the Campaign. Prior to the 2004 presidential election, Mr. Wark helped raise money for Choices for America, a non-profit organization the primary purpose of which at that time was to help place Ralph Nader on the 2004 presidential election ballot in Nevada. Affidavit of Steven J. Wark, ¶ 5, Exhibit A. According to the Complaint, Charles A. Hurth III was the legal agent behind Choices for America. The Complaint implies that this coincidence evinces a roundabout connection between the Campaign and Take Initiative America, yet the facts prove otherwise. Not only has Mr. Wark never communicated with Charles A. Hurth III regarding the Reform Act, he has never even met Mr. Hurth or had any communication with him regarding the 2008 presidential election. *Id.* ¶ 6. Indeed, Mr. Wark has had no involvement with and has never contributed to Take Initiative America, and has not discussed the Reform Act with Paul Singer, Tom Hiltachk, Kevin Eckery, Marty Wilson, Jonathan Wilcox or Bill Simon. *Id.* ¶¶ 7-8.

This baseless and outrageous claim is an excellent example of how the Complaint seeks to tarnish an individual for being an active Republican and Campaign supporter. Mr. Wark is a former State Party Chair who engaged in a single action with a group three years ago in connection with the 2004 presidential election. He has had no other contact with that group since. *Id.* ¶ 5. In 2007, Mr. Wark's apparent "sin" was to support the candidacy of Rudy Giuliani, which the Complaint argues creates a direct link to the Reform Act, despite the fact that neither Mr. Wark nor the Campaign had any connection to it. With no basis in fact, the Complaint seeks to show that these two unrelated endeavors are connected, which they cannot do without adding Mr. Hurth as a lynch pin. However, Mr. Hurth has no connection to the Campaign or Mr. Wark, which further highlights the irresponsibility of these preposterous allegations.

2. Bill Simon & Jonathan Wilcox

The Campaign did not establish, finance, maintain, or control Take Initiative America through its spokesperson, Jonathan Wilcox, either. Mr. Wilcox has never been an agent of or made a contribution to the Campaign, so the Complaint once again attempts to draw a connection between the Campaign and Mr. Wilcox through an unrelated third party, Bill Simon, the Campaign's California State Chairman and its National Policy Director. As tenuously (and mistakenly) alleged in the Complaint, Mr. Simon allegedly established, financed, maintained, or controlled Take Initiative America through Mr. Wilcox because Mr. Wilcox was allegedly the spokesperson for Mr. Simon or for one of Mr. Simon's California gubernatorial campaigns. Once again, the Complaint asks the Commission to believe that two people who had a common interest years ago are involved in a nefarious conspiracy today. Yet the Complaint offers no support for these irresponsible claims. In fact, the Complaint's lack of support is telling: there is no proof that these individuals have had any contact regarding the Reform Act, nor is there any evidence that Mr. Wilcox has supported the Campaign, financially or otherwise. In truth, Mr. Wilcox was a consultant who occasionally wrote speeches for Mr. Simon's 2002 gubernatorial campaign. Affidavit of William E. Simon, Jr., ¶ 4, Exhibit B. Nevertheless, this prior

relationship is irrelevant to the issue of whether the Campaign established, financed, maintained, or controlled Take Initiative America because Mr Simon has never been involved with and has made no contributions to Take Initiative America, whether in his own capacity or through Jonathan Wilcox *Id* ¶¶ 4, 6-7 Indeed, Mr Simon has never discussed the Reform Act – or, for that matter, the 2008 presidential election – with Mr Wilcox *Id* ¶ 4

3 Paul Singer

The Campaign did not establish, finance, maintain, or control Take Initiative America through Paul Singer Mr Singer, a General Partner of Ellhott Associates, L P , a New York-based trading partnership, was named Eastern Regional Finance Chairman of the Campaign on April 15, 2007 In this capacity, Mr Singer solicited contributions on behalf of the Campaign until May 2007, when he became dissatisfied with the direction of the Campaign's fundraising operation Mr Singer relinquished his fundraising responsibilities as Eastern Regional Finance Chairman with the Campaign effective June 30, 2007, and thereafter remained associated with the Campaign as a volunteer policy advisor, which position conveyed no actual or implied authority to act on behalf of the Campaign Over the past four and a half months, Mr Singer has not engaged in any fundraising on behalf of the Campaign, and has limited his participation in the Campaign to periodic conference calls regarding public policy issues

Evidence indicates that Paul Singer contributed to Californians for Equal Representation through Take Initiative America LLC, but this action was taken by Mr Singer on his own behalf and without any authority – actual or implied – to do so on behalf of the Campaign First, Mr Singer did not have actual authority to make such a contribution on behalf of the Campaign through any title or general affiliation with the Campaign While Mr Singer's former title and position as Eastern Regional Finance Chairman *may* have given him the actual authority to donate on behalf of the Campaign, both Mr Singer and the Campaign agree that the title and position of volunteer policy advisor that he held at the time he made his contribution clearly does not imbue Mr Singer with such actual authority As a result, his contribution cannot be attributed to the Campaign See Revised Explanation & Justification Definitions of "Agent" for BCRA Regulations on Non-Federal Funds or Soft Money and Coordinated and Independent Expenditures, 71 Fed Reg 4975, 4978 (Jan 31, 2006) ("The scope of the authority created will depend on the title given and the understanding of the agent and the principal ")

Second, Mr Singer was not expressly or impliedly authorized to act on behalf of the Campaign To the contrary, the only time Mr Singer mentioned his support for the Reform Act to any agent of the Campaign he was expressly told that he was in no way authorized to act on behalf of the Campaign Affidavit of Anthony V Carbonetti, ¶ 3, Exhibit C In August 2007, Mr Singer mentioned his possible support of the Reform Act to Anthony Carbonetti, who serves in a volunteer capacity as a Senior Political Advisor to the Campaign In response, Mr Carbonetti told Mr Singer in no uncertain terms that Mr Singer could do as he wished with his money, but that he could not under any circumstances seek – nor would he receive – the approval or disapproval of the Campaign or any of its agents for this or any other independent endeavor *Id* Mr Carbonetti did not express or imply, directly or indirectly, to Mr Singer any personal position or any position of the Campaign regarding the Reform Act *Id*

It is clear that "a fundraiser, whether professional or volunteer, may be raising funds for more than one candidate or committee " Advisory Op 2005-02 (Apr 22, 2005) Indeed, ' the

Commission's definition of 'agent' contemplates a dual-agency situation " Advisory Op 2003-10 (June 16, 2003) As the Commission has explained, "a principal can only be held liable for the actions of an agent when the agent is acting on behalf of the principal, and not when the agent is acting on behalf of other organizations or individuals " Advisory Op 2003-10 (June 16, 2003) (citing Prohibited and Excessive Contributions Non-Federal Funds or Soft Money, 67 Fed Reg at 49,083) "This additional requirement ensures that liability will not attach due solely to the agency relationship, but only to the agent's performance of the prohibited acts for the principal ' *Id* As the conversation between Mr Singer and Mr Carbonetti proves, Mr Singer was not permitted to – and by his own admission did not – make his contribution on behalf of the Campaign Thus he had neither actual nor implied authority to act on behalf of the Campaign, nor did he so act Moreover, Mr Singer of his own volition has made donations to a number of political candidates and causes through the years predating his support for the Campaign

B California Counts

The Complaint also alleges that the Campaign established, financed, maintained, or controlled California Counts, a California nonprofit organization seemingly dedicated to the enactment of the Presidential Election Reform Act, through four individuals Anne Dunsmore, Tony Andrade, Ed Rollins, and James V Lacy These allegations are entirely false Two of these individuals – Anne Dunsmore and Tony Andrade – are no longer associated with the Campaign, and the other two – Ed Rollins and James V Lacy – have never been associated with the Campaign in any way Any involvement that these four individuals may have had with California Counts was undertaken in their personal capacity and not on behalf of or in consultation with the Campaign or its agents

1 *Anne Dunsmore & Tony Andrade*

Anne Dunsmore did not establish, finance, maintain, or control California Counts on behalf of the Campaign From May until September 2007, Anne Dunsmore, the Founder, Chair, and Chief Executive Officer of Capital Campaigns, a California-based fundraising strategy and development company, served as the Campaign's Deputy Campaign Manager Affidavit of Anne Dunsmore, ¶ 1, Exhibit D The Complaint wrongly implies that Ms Dunsmore resigned from the Campaign in September 2007 to begin work for California Counts at the Campaign's urging The Complaint's paranoid conjecture ignores the obvious truth Ms Dunsmore's resignation from the Campaign was entirely unrelated to the Reform Act or California Counts *Id* ¶¶ 3-4 After her affiliation with the Campaign ended, Ms Dunsmore returned to California, where she had already developed a profound reputation as a political and charitable fundraiser *Id* ¶ 5 A full month later, Ms Dunsmore helped establish California Counts to assist with fundraising for the Reform Act *Id* Ms Dunsmore was highly qualified for the position, given her 27 years of experience and substantial expertise in professional fundraising *Id* Specifically, Ms Dunsmore has raised over \$2 billion for more than 500 non-profit and political clients, and specializes in fundraising throughout California *Id* Her fundraising experience includes the recall of Governor Gray Davis, the re-election of former California Governor Pete Wilson, the California Republican Party, and as recently as 2006 and 2007, Mitt Romney's Commonwealth

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PACs² *Id* Clearly, there is nothing "mysterious" about an organization engaged in raising funds for a California ballot initiative involving the services of a professional fundraiser with such prolific experience in California

Despite the Complaint's ridiculous claims to the contrary, Ms Dunsmore's continued personal support for the Campaign does not evince a connection between the Campaign and California Counts As previously noted, the Commission's definition of an agent "is limited to when a person is acting pursuant to 'actual authority' from the Federal candidate or officeholder" Advisory Op 2003-10 (June 16, 2003) While Ms Dunsmore was once an agent of the Campaign, she is no longer authorized as an agent, and the Commission has made clear that a "past agency relationship would not by itself prohibit [an individual] from raising non-federal funds" *Id* Although Ms Dunsmore continues to believe that Rudy Giuliani is the best candidate for the presidency, she no longer acts on the Campaign's behalf, and her professional involvement with California Counts was not authorized or otherwise influenced in any way, directly or indirectly, by the Campaign Accordingly, Ms Dunsmore's involvement with California Counts, which started on or about October 23, 2007, cannot be imputed to the Campaign she no longer worked for at that point in time

Similarly, Tony Andrade's personal involvement with California Counts does not prove that the Campaign established, financed, maintained, or controlled California Counts Earlier this year, Mr Andrade served as a volunteer to the Campaign in California From time to time, he received emails sent by the Campaign to all volunteers in the area updating them on the Campaign and opportunities to further volunteer their services During the fall of 2007, the Campaign discovered that Mr Andrade sent an email regarding the Reform Act addressed to "Giuliani Supporters" An immediate review revealed that an email sent by the Campaign to numerous California volunteers – including Mr Andrade – inadvertently listed the recipient email addresses in the "CC" column rather than the "BCC" column, thereby disclosing these email addresses to all recipients Without the Campaign's prior knowledge or authorization, Mr Andrade used these email addresses to send his email regarding the Reform Act When the Campaign learned of Mr Andrade's unauthorized use of Campaign volunteers' email addresses to further his personal support for an unrelated matter, his volunteer position was immediately revoked, and he has not been permitted to assist the Campaign further

Despite Mr Andrade's volunteer role with the Campaign prior to this incident, he was never authorized as an agent of the Campaign, never donated to or raised funds for the Campaign, and was certainly not acting with any authority when he sent this email It is well settled that a campaign "cannot be held liable for the actions of a rogue or misguided volunteer who purported to act on behalf of the committee, unless the committee's own written or spoken word, or other conduct, caused the volunteer to reasonably believe that the committee desired him or her to so act" Prohibited and Excessive Contributions Non-Federal Funds or Soft Money, 67 Fed Reg at 49,083

² The fact that Ms Dunsmore raised funds for presidential candidate Mitt Romney's Commonwealth PACs in 2006 and 2007 is conveniently absent from the Complaint despite the fact that by the Complaint's twisted reasoning it would presumably evince improper behavior on the part of the Romney campaign This is yet another example of the Complaint's biased presentation of the facts to further its political agenda

2 *Ed Rollins & James V Lacy*

Ed Rollins's alleged involvement with California Counts in support of the Reform Act does not in any way amount to establishing, financing, maintaining, or controlling California Counts on behalf of the Campaign. The Complaint alleges by implication that Ed Rollins's support for the Reform Act may have been requested, encouraged, or importuned by Bill Simon, the Campaign's California State Chairman and National Policy Director, because Mr. Rollins once served as campaign manager to Mr. Simon's 2002 gubernatorial campaign. This is yet another example of the Complaint's desperate attempts to conjure paranoid conspiracies from long-past professional relationships between supporters of the Reform Act and individuals associated with the Campaign. The reality is that Mr. Simon has never even spoken with Ed Rollins regarding the Reform Act, and Mr. Rollins has never donated to, volunteered for or otherwise supported the Campaign. *Aff. of William E. Simon, Jr.*, ¶ 5. Accordingly, he could not have acted on behalf of the Campaign.

Similarly, James V. Lacy's role in the formation of California Counts was not in any way related to the Campaign. Mr. Lacy's only connection to the Campaign is a February 2007 contribution that he made to the Campaign. Mr. Lacy has never been an agent of or in any other way involved with the Campaign. As previously discussed, merely contributing to a political campaign does not grant the contributor status as an agent of the campaign.

Mr. Lacy's inclusion in the Complaint is just one more example of how the Complaint implies throughout its allegations that support for the Reform Act is the exclusive domain of contributors to the Campaign. This is far from the truth. Support for the ballot initiative extends to supporters of several other Republican and Democratic campaigns. As recent news reports reveal, contributors to California Counts support and contribute to any number of other political campaigns, including, for example, Senator Clinton's presidential campaign. Matthew Garrahan, *California vote switch may bolster Republicans*, FINANCIAL TIMES, Nov. 15, 2007, Exhibit E. Based on the most recent public filings of California Counts, it is clear that numerous individuals who have made significant contributions to the campaigns of several 2008 presidential candidates, in addition to Mayor Giuliani's, have contributed to the ballot initiative. See California Secretary of State Campaign Finance Web Site, <http://cal-access.ca.gov/Campaign/Committees>, Exhibit F. If, as the Complaint ludicrously suggests, support for both the ballot initiative and a 2008 presidential campaign is sufficient evidence of impropriety to warrant an investigation, the scope of the Commission's investigations would be impossibly broad. We do not think that this can reasonably be the case.

II. The Campaign did not coordinate with Californians for Equal Representation.

The Campaign did not coordinate the expenditure of Paul Singer's \$175,000 contribution through Take Initiative America to Californians for Equal Representation. The Complaint's claims are allegedly supported by one off-hand comment attributed to Marty Wilson, the fundraiser for Californians for Equal Representation. Yet the Complaint takes this quote out of context, fails to show that Mr. Wilson supports the Campaign's rivals in the Republican primaries, and ignores conflicting evidence in the very documents attached to the Complaint.

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Mr Wilson's comment is misrepresented in the Complaint and, in any event, is entirely inaccurate. According to the *San Francisco Chronicle*, Mr Wilson said he had "heard the Giuliani people were interested (in the ballot measure) and we all said our prayers that it would come in." Carla Marinucci, *Giuliani Fundraiser Gave Big Bucks to State Ballot Measure*, SAN FRANCISCO CHRONICLE, Sept 29, 2007, Exhibit G. The Complaint relies on this quote as evidence of coordination between the Campaign and Californians for Equal Representation. However, the rest of Mr Wilson's statement, which is conveniently missing from the Complaint, reveals the truth of what Mr Wilson said: "We heard that (Singer) was interested, but I never spoke with him, and never solicited the donation. It wasn't anything I had anything to do with." Clearly, the first quote should not have been included in the Complaint without reference to the second. We don't know the identity of this unnamed person who alleged that other unnamed Giuliani supporters may also be supportive of the Reform Act. This isn't just hearsay – it is double hearsay without a source, and it flaunts every principle of American jurisprudence to be cited in a formal complaint calling for governmental action.

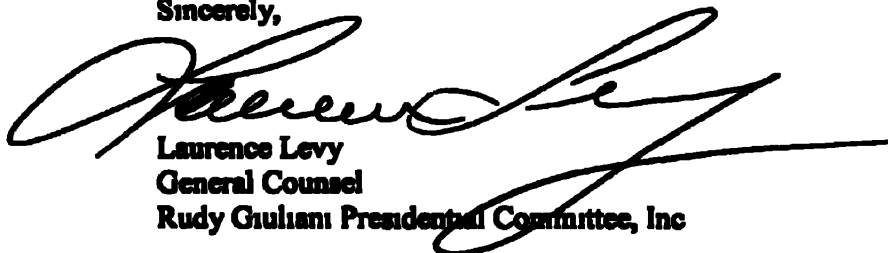
Furthermore, it is hard to imagine from where Mr Wilson would have heard this unsubstantiated and untruthful rumor. Mr Wilson has never even contributed to the Campaign, and has certainly never been associated with the Campaign in any way. Instead, Mr Wilson appears to be a supporter of Mayor Giuliani's rivals for the Republican presidential nomination. According to public records, Mr Wilson has never donated any money to the Campaign, but has donated \$2,300 to each of the campaigns of John McCain and Mitt Romney. OpenSecrets.org Search Results for Martin Wilson, <http://www.opensecrets.org/indivs/search>, Exhibit H.

In any event, the portion of Mr Wilson's statement that is quoted in the Complaint is entirely inaccurate. If Mr Wilson had actually heard what he claims from the Campaign rather than someone unaffiliated with it, he would have been told precisely what is cited elsewhere in the very same article attached to and cited by the Complaint: the Campaign believes that the Reform Act is "not an initiative that serves our campaign's best interests." Carla Marinucci, *Giuliani Fundraiser Gave Big Bucks to State Ballot Measure*, SAN FRANCISCO CHRONICLE, Sept 29, 2007. One must wonder what other voices Mr Wilson's selective hearing has snatched from the air, or for that matter, the Complaint's authors, who use innuendo, incomplete data, and unconnected people and events to create a trip to fantasy land.

III. Conclusion

Because of the complete lack of factual basis for the deceptive and politically motivated allegations contained in the Complaint, we respectfully request that the Commission dismiss the Complaint and take no further action in this matter.

Sincerely,



Laurence Levy
General Counsel
Rudy Giuliani Presidential Committee, Inc

EXHIBIT A

28044214914

BEFORE THE FEDERAL ELECTION COMMISSION

**AFFIDAVIT OF STEVEN J. WARK
REGARDING MUR 5943**

City of Las Vegas)
)
State of Nevada)

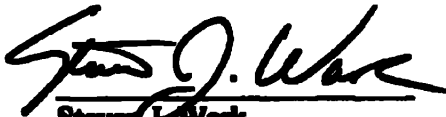
Steven J Wark, being duly sworn, deposes and says

- 1 I am a former vice president and partner of Capitol Strategies, LLC, a Nevada-based political consulting firm. I am also the former State Chairman of the Nevada Republican Party**
- 2 I am authorized as a fundraising agent for the Rudy Giuliani Presidential Committee, Inc. (hereafter, the "Campaign"). Between February 23, 2007 and June 4, 2007, I helped raised \$40,200 00 for the Campaign, which includes \$2,300 00 that I personally contributed**
- 3 I have reviewed the complaint filed by James C Harrison on behalf of Ursula Angell dated October 1, 2007 (hereafter, the "Complaint") alleging that the Campaign and various other parties may have violated the Federal Election Campaign Act of 1971, as amended.**
- 4 The Complaint erroneously alleges by implication that my personal support for the candidacy of Rudolph W Giuliani and my personal support for a non-profit organization called Choices for America evince improper coordination under the Federal Election Campaign Act of 1971, as amended. To the best of my knowledge and belief, there has been no coordination between the Campaign and any individual or organization that supports the qualification and enactment of the Presidential Election Reform Act in California**
- 5 Prior to the 2004 presidential election, I helped raise money for Choices for America, a non-profit organization the primary purpose of which at that time was to help place Ralph Nader on the 2004 presidential election ballot in Nevada. Since 2004, I have neither contributed money to nor been involved with Choices for America in any way**
- 6 The Complaint incorrectly alleges communication between Charles A Hurth III and me regarding the Presidential Election Reform Act Not only have I never had any communication with Mr. Hurth on this topic, I have never even met Mr. Hurth or had any communication with him regarding the 2008 presidential election**

7 Despite the baseless implications of the Complaint, I have had no involvement with and have made no contributions to Californians for Equal Representation, Take Initiative America, LLC, or, to the best of my knowledge and belief, any other organization that supports the qualification and enactment of the Presidential Election Reform Act in California

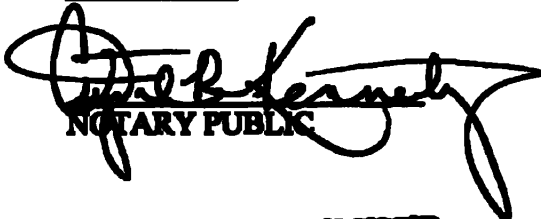
8 I have not discussed the Presidential Election Reform Act or the 2008 presidential election with Paul Singer, Tom Hiltachk, Kevin Eckery, Marty Wilson, Jonathan Wilcox, Bill Simon or, to the best of my knowledge and belief, any other individual who directly supports the qualification and enactment of the Presidential Election Reform Act in California

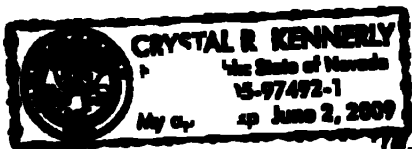
The above information is true and correct to the best of my knowledge, information, and belief


Steven J. Wark
Affiant

11-13-07
Date

SWORN to and SUBSCRIBED
before me this 15TH day of
NOVEMBER 2007.


NOTARY PUBLIC



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EXHIBIT B

28044214917

BEFORE THE FEDERAL ELECTION COMMISSION

**AFFIDAVIT OF WILLIAM E. SIMON, JR.
REGARDING MUR 5943**

County of Los Angeles)
)
State of California)

William E. Simon, Jr., being duly sworn, deposes and says

- 1 I am Co-Founder and Co-Chairman of William E. Simon & Sons LLC, a New Jersey-based investment firm. I am also the California State Chairman and the National Policy Director for the Rudy Giuliani Presidential Committee, Inc (hereafter, the "Campaign")**
- 2 I have reviewed the complaint filed by James C. Harrison on behalf of Ursula Angell dated October 1, 2007, as well as the supplement to complaint filed by James C. Harrison on behalf of Ursula Angell dated October 29, 2007 (together, the "Complaint"), which allege that the Campaign and various other parties may have violated the Federal Election Campaign Act of 1971, as amended**
- 3 The Complaint wrongly alleges by implication that I facilitated the Campaign's purported improper support for the Presidential Election Reform Act in California through two individuals – Jonathan Wilcox and Ed Rollins – in violation of the Federal Election Campaign Act of 1971, as amended. These allegations are entirely false. To the best of my knowledge and belief, there has been no coordination between the Campaign and any individual or organization that supports the qualification and enactment of the Presidential Election Reform Act in California**
- 4 The Complaint blatantly misstates the nature of my prior association with Jonathan Wilcox. To the best of my recollection, Mr. Wilcox was a consultant who occasionally wrote speeches for my 2002 campaign for the governorship of California. Mr. Wilcox was never my spokesperson or the spokesperson for either of my gubernatorial campaigns. I have never spoken with Mr. Wilcox regarding the Presidential Election Reform Act or the 2008 presidential election**
- 5 Furthermore, the Complaint wrongly implies that Ed Rollins's alleged support of the Presidential Election Reform Act in California somehow relates to his former position as campaign manager for my 2002 gubernatorial campaign. Notwithstanding these unsupported allegations, I have never spoken with Mr. Rollins regarding the Presidential Election Reform Act or the 2008 presidential election**

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- 6 Despite the baseless implications of the Complaint, I have had no involvement with and have made no contributions to Californians for Equal Representation, Take Initiative America, LLC, California Counts or, to the best of my knowledge and belief, any other organization for the purpose of supporting the qualification and enactment of the Presidential Election Reform Act in California
- 7 To the best of my recollection, I have never advised, assisted or consulted with Paul Singer, Tom Hiltachk, Kevin Eckery, Marty Wilson, Steve Wark, Charles A Hurth III, Anne Dunsmore, James V Lacy or Tony Andrade in any way regarding the Presidential Election Reform Act

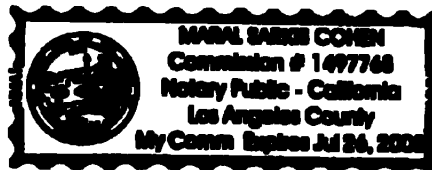
The above information is true and correct to the best of my knowledge, information, and belief

William E Simon, Jr
Affiant

Dec. 3, 2007
Date

SWORN to and SUBSCRIBED
before me this 3rd day of
December, 2007

[Signature]
NOTARY PUBLIC



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EXHIBIT C

28044214920

BEFORE THE FEDERAL ELECTION COMMISSION

**AFFIDAVIT OF ANTHONY V. CARBONETTI
REGARDING MUR 5943**

County of New York)
)
State of New York)

Anthony V Carbonetti, being duly sworn, deposes and says

- 1 I am a founding Partner and Managing Director of Giuliani Partners LLC, a New York-based consulting firm I also serve in a volunteer capacity as a Senior Political Advisor to the Rudy Giuliani Presidential Committee, Inc (hereafter, the "Campaign")**
- 2 I have reviewed the complaint filed by James C Harrison on behalf of Ursula Angell dated October 1, 2007, as well as the supplement to complaint filed by James C Harrison on behalf of Ursula Angell dated October 29, 2007 (together, the "Complaint"), which allege that the Campaign and various other parties may have violated the Federal Election Campaign Act of 1971, as amended**
- 3 In August 2007, Paul Singer, the Campaign's former Eastern Regional Finance Chairman who had recently relinquished his fundraising position with the Campaign, mentioned his possible support for the Presidential Election Reform Act in California In response, I informed Mr Singer that he could do as he wished with his time and money, that such decisions were of no concern to the Campaign, and that he could not under any circumstances seek – nor would he receive – the approval or disapproval of the Campaign for this or any other independent endeavor I did not express or imply, directly or indirectly, to Mr Singer any position on my behalf or on behalf of the Campaign regarding the Presidential Election Reform Act**
- 4 To the best of my knowledge and belief, I have never advised, assisted or consulted with Tom Hiltachk, Kevin Eckery, Marty Wilson, Bill Simon, Steve Wark, Charles A Hurth III, Jonathan Wilcox, Anne Dunsmore, James V Lacy, Ed Rollins or Tony Andrade regarding the Presidential Election Reform Act**

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- 5 To the best of my knowledge and belief, there has been no coordination between the Campaign and any individual or organization that supports the qualification and enactment of the Presidential Election Reform Act in California

The above information is true and correct to the best of my knowledge, information, and belief



Anthony V Carbonetti
Affiant

12-10-07
Date

SWORN to and SUBSCRIBED
before me this 10 day of
December, 2007

Denise A Colton
NOTARY PUBLIC

DENISE A. COLTON
Notary Public, State of New York
No. 6100879220
Qualified in New York County
Term Expires December 18, 2010

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EXHIBIT D

28044214923

BEFORE THE FEDERAL ELECTION COMMISSION**AFFIDAVIT OF ANNE DUNSMORE
REGARDING MUR 9943**

County of Los Angeles)
)
State of California)

Anne Dunsmore, being duly sworn, deposes and says

- 1 I am Founder, Chair and Chief Executive Officer of Capital Campaigns, a California-based fundraising strategy and development company. I also helped establish California Counts, a California non-profit entity dedicated to the enactment of the Presidential Election Reform Act in California. Prior to my involvement with California Counts, I was the Deputy Campaign Manager for the Rudy Graham Presidential Committee, Inc (hereafter, the "Campaign")
- 2 I have reviewed the complaint filed by James C. Harrison on behalf of Ursula Angeli dated October 1, 2007, as well as the supplement to complaint filed by James C. Harrison on behalf of Ursula Angeli dated October 29, 2007 (together, the "Complaint"), which alleges that the Campaign and various other parties may have violated the Federal Election Campaign Act of 1971, as amended
3. The Complaint wrongly alleges that the Campaign directed me to resign my position as Deputy Campaign Manager so that I could assist California Counts in order to facilitate the Campaign's purported improper support for the Presidential Election Reform Act in California. These allegations are entirely false. My resignation from the Campaign and subsequent professional involvement with California Counts were entirely unrelated to and independent from each other
- 4 Despite the Complaint's hyperbole, there was nothing mysterious about my decision to resign from the Campaign, and my decision was completely unrelated to California Counts or the Presidential Election Reform Act. In May 2007, I was hired by the Campaign to serve as Deputy Campaign Manager and oversee fundraising strategies and activities. Over the following months, I spent the majority of my time traveling for the Campaign, and I soon discovered that the demands of the Campaign were taking me away from other commitments. In September 2007, the Campaign and I mutually agreed that I would resign my position as Deputy Campaign Manager and end my affiliation with the Campaign effective September 23rd, 2007. As noted in the Complaint, I continue to personally support Rudolph W. Graham's candidacy for the presidency of the United States. However, neither my departure from nor my support for the Campaign had anything to do with my subsequent involvement with California Counts.

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- 28044214925
- 5 My involvement with California Counts was not influenced in any way, directly or indirectly, by the Campaign. After ending my contractual relationship with the Campaign on September 23rd, 2007, I helped establish California Counts to assist with the Presidential Election Reform Act primarily by engaging in fundraising. My contract with California Counts did not begin until October 23rd, 2007. I was qualified for this assignment because of my extensive experience and expertise in the field of strategic fundraising for various clients, especially those located in California. Over the past 27 years, I have raised over \$2 billion for more than 500 non-profit and political clients, including in 2006 and 2007 Mitt Romney's Commonwealth PACs, the Republican National Committee, and both of George W. Bush's presidential campaigns. Much of my work has been for California-based campaigns, such as the recall of Governor Gray Davis, the re-election of former California Governor Pete Wilson, the California Republican Party, and a number of United States Senate races and down ticket races in California. My decision to work with California Counts was not directed, encouraged or otherwise influenced by the Campaign.
- 6 To the best of my knowledge and belief, there has been no coordination between the Campaign and California Counts regarding the Presidential Election Reform Act in California.

The above information is true and correct to the best of my knowledge, information, and belief.

Anne Dunsmore

Anne Dunsmore
Affiant

12/12/2007
Date

SWORN to and SUBSCRIBED
before me this 12th day of
December, 2007

Sandra Romero
NOTARY PUBLIC

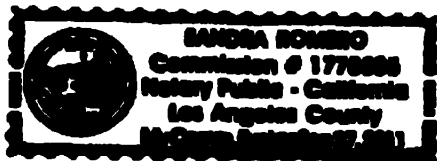


EXHIBIT E

28044214926



Californian vote switch may bolster Republicans

By Matthew Garrahan in Los Angeles

Financial Times

updated 12:42 a.m. ET Thurs Nov 15 2007

Republican candidates are trailing Hillary Clinton in the presidential polls but the revival of a campaign to change the way California allocates its 55 electoral college votes has raised the party's hopes for next year's election

The California Counts campaign, which has several prominent Republican backers, wants to replace the "winner-takes-all" system for electoral vote allocation with one based on the number of congressional districts won by each candidate

The tabular content relating to this article is not available to view. Apologies in advance for the inconvenience caused.

"It would essentially give away 22 electoral college votes that a Democrat candidate could count on [in California]," said Steven Hill, director of the political reform programme for the New America Foundation, a non-partisan think-tank.

If the proposal is ratified, the number of electoral votes picked up by the Republican candidate could be more than the combined electoral votes of Nevada, Utah and New Mexico.

Democratic opponents of the proposal have called it a "political power-grab" by Republicans. "It's an effort to hijack the American presidency by rigging the election," said Chris Lehane, a Democratic party strategist.

"If it qualifies [for the California ballot] we will have a nightmare scenario," he said. "Imagine if a Democrat is elected by three or four points in the popular vote and people wake up the morning after the election and find a Republican still in the White House."

The campaign was "an affront to democracy", he said, because "Republicans will put their interests above democratic principles and the constitution."

Mr Hill said the change would "make it extremely difficult for the Democrat candidate to win the presidential election."

Supporters say changing California's electoral system will give voters in America's most populous state more influence. "At the moment California is seen as a giant ATM machine for people running for president," said Dave Gillard, a spokesman for California Counts. "They raise money and they spend it in other states."

California would become more of a battleground if all candidates could pick up some of the electoral votes on offer. "It will make California something that candidates have to think about."

California Counts has replaced an earlier initiative that failed last month. Its financial backers initially refused to disclose their identities but were later revealed to have links to the Republican Rudy Giuliani's presidential campaign.

However, the new campaign looks to have a more stable financial footing. It has already raised about \$2m (£969,000) from backers including Floyd Kvamme, a partner with Kleiner Perkins Caufield & Byers, the Silicon Valley venture capital firm that this week struck a "clean technology" investment deal with Al Gore's fund management group.

Other supporters of California Counts include Darryl Issa, the Republican congressman who sponsored the effort to recall Gray Davis, California's former Democratic governor. Unlike the earlier campaign, California Counts has also secured some Democratic support. Robert Day, who has given money to Mrs Clinton, is

backing the initiative

The new campaign wants California to emulate Rhode Island and Maine, the only states to allocate electoral votes based on congressional district wins. It needs 434,000 signatures to get on next year's state ballot and has two more weeks to do so, but already has about 400,000.

The campaign has raised broader questions about the need to reform the electoral college system. "There are these assumptions [under this system] that certain states belong to certain parties," said Mr Hill. "We need to get to a national direct election for the president."

Such an outcome could be achieved without changing the constitution, he added, pointing to the National Popular Vote campaign, which has cross-party support and has already succeeded in Maryland and Illinois.

The campaign seeks to persuade states to commit their electoral votes to the winner of the nationwide popular vote. The law would not come into effect until about 25 states with an aggregate majority of electoral votes had signed on. "It would become a de facto popular vote and would not require a constitutional amendment," said Mr Hill.

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EXHIBIT F

28044214929

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| NAME OF FILER California Councils Male Year Vets Council | | Date of This Filing 11/20/2007 | Date Stamp | 497 For Official Use Only |
| AREA CODE/PHONE NUMBER | ID NUMBER (if applicable) 1302049 | Report No LC32 | Page 1 of 4 | |
| STREET ADDRESS | | <input type="checkbox"/> Amendment to Report No _____ (attach below) | | |
| CITY Laguna Niguel | STATE CA | ZIP CODE 92677 | | |

Late Contribution(s) Received

| DATE -- RECEIVED | FULL NAME MAILING ADDRESS AND ZIP CODE OF CONTRIBUTOR (if contributor also listed in receiving) | CONTRIBUTOR CODE | IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (if only employed, print name of employer) | AMOUNT RECEIVED |
|---------------------|--|---|---|--------------------|
| 11/06/2007 | Thomas Larkin Newport Beach CA 92663 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Vice-Chairman The TCW Group Inc | \$25,000.00 |
| 11/06/2007 | Mark Stern Madera CA 93265 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Vice Chairman The TCW Group Inc | \$45,000.00 |
| 11/06/2007 | Dean Forman Sacramento CA 95815 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Partner Casavova Forman Barford & Brothers | \$25,000.00 |

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| *Contributor Codes | |
| IND - Individual | PTY - Political Party |
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| OTH - Other | |

Reason for Amendment

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|---|--------------------------------------|---|-------------|
| NAME OF FILER California Council Made 3 our Vote Count | | Date of This Filing 11/29/2007 | Date Stamp |
| AREA CODE/PHONE NUMBER 1362069 | ID NUMBER (if applicable) 1362069 | Report No LCB2 | Page 2 of 4 |
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| DATE RECEIVED | FULL NAME MAILING ADDRESS AND ZIP CODE OF CONTRIBUTOR (if contributor also enters ID number) | CONTRIBUTOR CODE * | IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (if self employed enter name of business) | AMOUNT RECEIVED |
|---------------|--|---|--|-----------------|
| 11/09/2007 | Richard L. Stone Richmond VA 23215 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Private Investor Retired | \$50,000.00 |
| 11/09/2007 | Howard H. Leach San Francisco CA 94111 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Investor Leach Capital LLC | \$45,000.00 |
| 11/14/2007 | Robert Brandy Los Angeles CA 90067 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Investor Brandy Capital | \$35,000.00 |

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| DATE RECEIVED | FULL NAME MAILING ADDRESS AND ZIP CODE OF CONTRIBUTOR (if contributor also entity is receiving) | CONTRIBUTOR CODE | IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (if self-employed, enter name of business) | AMOUNT RECEIVED |
|------------------|--|---|---|--------------------|
| 11/14/2007 | Wayne Hughes Candidate CA 91221 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Chairman Public Storage Inc. | \$50,000.00 |
| 11/14/2007 | Daniel Lee Vice CA 92805 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Member of Congress United States of America | \$41,000.00 |
| | | <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | | |

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|---|--------------------------------------|---|--------------------|
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Late Contribution(s) Made

| DATE MADE | FULL NAME MAILING ADDRESS AND ZIP CODE OF RECIPIENT (if COMMITTEE ALSO ENTER ID NUMBER) | CANDIDATE AND OFFICE OR MEASURE AND JURISDICTION | AMOUNT OF CONTRIBUTION | DATE OF ELECTION (if APPLICABLE) |
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Reason for Amendment

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Late Contribution(s) Received

| DATE RECEIVED | FULL NAME MAILING ADDRESS AND ZIP CODE OF CONTRIBUTOR (if contributor also serves as treasurer) | CONTRIBUTOR CODE * | IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (if self-employed, enter name of business) | AMOUNT RECEIVED |
|---------------|--|---|---|-----------------|
| 11/28/2007 | Carl Karcher Enterprises Carpenteria CA 91013 | <input type="checkbox"/> IND <input type="checkbox"/> COM <input checked="" type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | | \$25,000.00 |
| 11/28/2007 | Kelvin Mori Guadalupe Hwy CA 95746 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Real Estate Investor K H Mori Company | \$25,000.00 |
| 11/28/2007 | William Perwein Marshallan Branch CA 90266 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Investment Manager PIMCO | \$50,000.00 |

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| *Contributor Codes | PTY - Political Party |
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| OTH - Other | |

Reason for Amendment

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|---------------|--|---|--|-----------------|
| 11/20/2007 | Alan Shecky San Francisco CA 94104 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Partner Vulcan Capital | \$15,000.00 |
| 11/21/2007 | Alan Shecky San Francisco CA 94119 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Chairman A G Sponer Co | \$25,000.00 |
| 11/24/2007 | Lincoln Club of Orange County 181 Margaria CA 92668 | <input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | | \$30,000.00 |

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| *Contributor Codes | PTY - Political Party |
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| OTH - Other | |

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| ZIP CODE 92657 | | Page 3 of 5 |

Late Contribution(s) Received

| DATE RECEIVED | FULL NAME MAILING ADDRESS AND ZIP CODE OF CONTRIBUTOR (if contributor address is in Mexico) | CONTRIBUTOR CODE | IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER (if not employed enter name of business) | AMOUNT RECEIVED |
|---------------|--|---|---|-----------------|
| 11/29/2007 | J Jeffrey Kessell Salerno Ranch CA 92075 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Investment Banker Kornell Newcomb & De Don | \$7 500 00 |
| 11/30/2007 | Lincoln Club of Orange County 185 Margarita CA 92668 | <input type="checkbox"/> IND <input checked="" type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | | \$25 000 00 |
| 12/04/2007 | William Barron Hilton Beverly Hills CA 90210 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Chairman of the Board Hilton Hotels Corp | \$10 000 00 |

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| Contributor Codes | |
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| COM - Recipient Committee (other than PTY or SCC) | SCC - Small Contributor Committee |
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Reason for Amendment

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| CITY Laguna Niguel | STATE CA | |
| ZIP CODE 92657 | | |

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| DATE RECEIVED | FULL NAME MAILING ADDRESS AND ZIP CODE OF CONTRIBUTOR <small>(If contributor address is outside California, please indicate)</small> | CONTRIBUTOR CODE * | IF AN INDIVIDUAL ENTER OCCUPATION AND EMPLOYER <small>(If self-employed, enter name of business)</small> | AMOUNT RECEIVED |
|---------------|---|---|--|-----------------|
| 12/04/2007 | Edward Bayco Palo Alto, CA 94302 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | Comptroller State of California | \$5,000.00 |
| 12/05/2007 | William Johnson Riverside, CA 92506 | <input checked="" type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | President Johnson Machinery Co | \$5,000.00 |
| | | <input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC | | |

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| *Contributor Codes | |
| IND - Individual | PTY - Political Party |
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| OTH - Other | |

Reason for Amendment

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| ZIP CODE 92657 | | | | |

Late Contribution(s) Made

| DATE MADE | FULL NAME MAILING ADDRESS AND ZIP CODE OF RECIPIENT (IF CONTRIBUTOR ALSO ENTER ID NUMBER) | CANDIDATE AND OFFICE OR MEASURE AND JURISDICTION | AMOUNT OF CONTRIBUTION | DATE OF ELECTION (IF APPLICABLE) |
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Reason for Amendment

EXHIBIT G

28044214939

SFGate.com

Giuliani fundraiser gave big bucks to state ballot measure

Carla Marinucci, Chronicle Political Writer

Saturday, September 29, 2007

(09-28) 17:42 PDT San Francisco --

A major New York fundraiser for GOP presidential candidate Rudy Giuliani has been revealed as the money man behind a proposed ballot measure that would have changed California's winner-take-all Electoral College vote system - and likely benefited Republicans

Paul Singer, a billionaire hedge fund executive and Giuliani policy adviser, acknowledged his role to the New York Daily News on Friday just a day after GOP organizers in California said they were folding their effort to collect signatures for the group called Californians for Equal Representation

The Chronicle reported earlier this week that Missouri attorney Charles Hurtt III was the legal agent for a tax-exempt corporation called "Take Initiative America," which provided the sole donation - \$175,000 - to the effort to qualify the measure for the California ballot.

But Hurtt and his organization would not reveal the source of their money - even as Democrats in California threatened legal action and charged that the GOP-backed effort smacked of money laundering. They suggested there were numerous links between the ballot effort and the Giuliani campaign, and challenged the former New York mayor's campaign aides to reveal where the money came from. Giuliani spokesman Jarrod Agen told The Chronicle, "This is completely independent from our campaign, and frankly, it's not an initiative that serves our campaign's best interests."

The Presidential Election Reform Act would have changed the winner-take-all election rules for the 55 electoral votes in Democratic-leaning California. It would have required the electoral votes to be distributed based on the popular vote winner in each congressional district. Many political observers said that would probably have provided an unexpected windfall for Republicans - perhaps as many electoral votes as could be gained in a major state such as Ohio or Pennsylvania - and possibly changed the outcome of the 2008 presidential election.

The news of Singer's donation came after Sacramento attorney Tom Hiltachk, who wrote the Presidential Election Reform Act, and spokesman Kevin Eckery both resigned Thursday from the ballot measure operation. They joined lead fundraiser Marty Wilson, who also is a top fundraiser for Gov. Arnold Schwarzenegger, in abandoning the effort.

The group had begun circulating petitions to gain the necessary voter signatures to put the measure on the June 2008 state ballot.

"I have demanded that Take Initiative America fully disclose the source of its funds and have been assured that it will do so," Hiltachk said in a statement reported Friday by the Daily News.

"Nonetheless, I am deeply troubled by their failure to disclose."

But later, Singer revealed himself to the newspaper as the key contributor in the effort. Singer is a founding partner of Eliot Associates - a \$7 billion hedge fund reported to be a longtime backer of GOP causes.

Singer is a member of Giuliani's national finance committee and has generated more than \$500,000 for the Republican's presidential campaign.

"We heard that (Singer) was interested, but I never spoke with him, and never solicited the donation," Wilson told The Chronicle on Friday.



"I'd heard the Giuliani people were interested (in the ballot measure) and we all said our prayers that it would come in."

But Wilson said he didn't know of Singer's donation.

"It wasn't anything I had anything to do with," Wilson said Friday.

The revelation about Singer was met with outrage by Democratic operatives who had fought the ballot measure and called it a "dirty trick" by Republicans aimed at changing the outcome of the 2008 election.

They said Singer's admission confirmed what they believed all along - that the GOP presidential candidate's backers believed he might have benefited from the effort.

"This puts this money-laundering operation right inside the Giuliani campaign . with Rudy's top donor and his closest confidants," said Chris Lehane, a Democratic strategist and spokesman for Californians for Fair Election Reform, which fought the GOP-backed ballot measure.

"Federal election law is clear. If you're a presidential candidate, you or your agents can't direct money to a campaign that impacts the presidential campaign ... and there's no better way to rig the campaign than to impact the electoral college system."

But Jonathan Wilcox, a spokesman for Take Initiative America - the Missouri group that provided the funding to the California effort - said Friday that Singer's donation draws no direct connection to the Giuliani campaign.

"People who are active and involved at a high level in partisan politics tend to be a fraternity of the same players and tend to give to a wide array of causes," he said.

"I contributed to the Take Initiative America because I believe in proportional voting in the Electoral College," Singer said in a statement e-mailed to the Daily News. "I made the contribution

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without any restrictions, including whether or how it would need to be disclosed I left disclosure completely up to" Take Initiative America.

E-mail Carla Marinucci at cmarinucci@sfgchronicle.com

<http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2007/09/29/MNSESGGJB.DTL>

This article appeared on page A - 8 of the San Francisco Chronicle

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EXHIBIT H

28044214943

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**Results**

3 records found in 0.0469 seconds

Search Criteria

Donor name: Wilson, Martin

Donor State: CA

Cycle(s) selected: 2008

Total for this search: \$5,600

[Start another search](#)

| Contributor | Occupation | Date | Amount | Recipient |
|---|--|-----------|---------|---------------------|
| WILSON, MARTIN CARMICHAEL, CA 95608 | WILSON-MILLER COMMUNICATIONS/PUBLIC | 6/20/2007 | \$1,000 | Shafroth, William G |
| WILSON, MARTIN MR CARMICHAEL, CA 95608 | WILSON MILLER COMMUNICATIONS/PUBLIC | 3/7/2007 | \$2,300 | McCain, John |
| WILSON, MARTIN R MR CARMICHAEL, CA 95608 | WILSON-MILLER COMMUNICATIONS/P R E | 9/30/2007 | \$2,300 | Romney, Mitt |

OpenSecrets' Donor Lookup comprises contribution data available electronically from the Federal Election Commission on Monday, October 28, 2007. Because campaigns and other political committees typically disclose their contributions on a quarterly or monthly schedule, it can take several months for a contribution to be recorded in this database.